EXHIBIT "A"

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Fax: 866-633-0228
tfriedman@toddflaw.com
Attorney for Plaintiff

GILA, LLC DBA MUNICIPAL SERVICES)

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DONNA BURTON,

Plaintiff.

BUREAU,

Defendant.

ENDORSED-FILED

SFP 26 2016

CLEFR OF Mic., LUCURIO COUNTY SUPERIOR COURT OF CALIFORNIA

C. Rescendiz

## SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF MENDOCINO UNLIMITED JURISDICTION

UNLIMITED JURISDICTION

) Case No. MCUK. CVIII. 16-13334

### COMPLAINT FOR

- 1. Violation of Rosenthal Fair Debt Collection Practices Act
- 2. Violation of Fair Debt Collection Practices Act
- Violation of California Business and Professions Code §17200
- 4. Negligent Infliction of Emotional Distress
- 5. Intentional Infliction of Emotional Distress

(Amount to exceed \$25,000)

#### I. INTRODUCTION

1. This is an action for damages brought by Plaintiff DONNA BURTON for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, et seq. (hereinafter "RFDCPA") and the Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq. (hereinafter "FDCPA"), both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. In addition, action is brought for Defendant's violations of the California Business and Professions Code §17200 (hereinafter "CBPC").

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Ancillary to the claims above, Plaintiff further alleges claims for negligent and intentional infliction of emotional distress.

## III. PARTIES

- 2. Plaintiff, Donna Burton ("PLAINTIFF"), is a natural persons who at all relevant times resided in the State of California, in the county of Mendocino.
- 3. At all relevant times herein, Defendant, GILA, LLC dba Municipal Services Bureau ("DEFENDANT") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5), and a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code §1788.2(c).

# IV. FACTUAL ALLEGATIONS

- At various and multiple times prior to the filing of the instant complaint, 4. including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff regarding an alleged debt.
- In or around May of 2016, Defendant began sending a series of letters to 5. Plaintiff, whereby Defendant threatened to obtain a judgment against Plaintiff and boot and tow Plaintiff's vehicle unless Plaintiff paid off an alleged debt.
  - However, upon information and belief, Plaintiff does not owe this alleged debt. 6.
- As a result of Defendant's actions, Plaintiff retained counsel. A notice of 7. representation was sent to Defendant on July 15, 2016. Despite this, Defendant continued to send letters to Plaintiff with continued threats.
- 8. Defendant's conduct violated the FDCPA and RFDCPA in multiple ways, including but not limited to:

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- a) Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff (§ 1692e(10);
- b) Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt (§ 1692f));
- c) Collecting an amount from Plaintiff that is not expressly authorized by the agreement creating the dcbt (§ 1692f(1));
- d) Collecting an amount from Plaintiff that is not permitted by law (§ 1692f(1));
- e) Contacting Plaintiff after the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address without Plaintiff's consent. (§ 1692c(2))
- 9. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff suffered and continue to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

# COUNT I: VIOLATION OF ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

- 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
- 11. To the extent that Defendant's actions, counted above, violated the RFDCPA, those actions were done knowingly and willfully.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
- B. Statutory damages for willful and negligent violations;
- C. Costs and reasonable attorney's fees; and
- D. For such other and further relief as may be just and proper.

# COUNT II: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

- 12. Plaintiff reincorporates by reference all of the preceding paragraphs.
- 13. To the extent that Defendant's actions, counted above, violated the FDCPA, those actions were done knowingly and willfully.

# PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

A. Actual damages;

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- B. Statutory damages;
- C. Costs and reasonable attorney's fees; and,
- D. For such other and further relief as may be just and proper.

# COUNT III: VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE

- 14. PLAINTIFFS reincorporate by reference all of the preceding paragraphs.
- PLAINTIFFS allege that DEFENDANT'S violations constitute unfair business practices under the CBPC.
- 15. To the extent that DEFENDANT'S actions, counted above, violated the CBPC, those actions were done knowingly and willfully.

#### PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS respectfully pray that judgment be entered against the Defendant for the following:

- a) Declaratory judgment that DEFENDANT'S conduct violated the CBPC;
- b) Actual damages;
- c) Statutory damages for willful and negligent violations;
- d) Civil penalties;
- e) Costs and reasonable attorney's fees; and,
- f) For such other and further relief as may be just and proper.

17. To the extent that DEFENDANTS' actions, counted above, inflicted emotional distress on PLAINTIFF, whether those actions were done knowingly and willfully or unintentionally.

# PRAYER FOR RELIEF

- 18. WHEREFORE, PLAINTIFFS respectfully prays that judgment be entered against the DEFENDANTS for the following:
  - a) Actual damages;

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- b) Statutory damages for willful and negligent violations;
- c) Costs and reasonable attorney's fees; and
- d) or such other and further relief as may be just and proper.

# COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- 19. PLAINTIFF reincorporates by reference all of the preceding paragraphs.
- 20. To the extent that DEFENDANT'S actions, counted above, inflicted emotional distress on PLAINTIFF, whether those actions were done knowingly and willfully.

#### PRAYER FOR RELIEF

- 21. WHEREFORE, PLAINTIFF respectfully prays that judgment be entered against the DEFENDANTS for the following:
  - a) Actual damages;
  - b) Statutory damages for willful and negligent violations;
  - c) Costs and reasonable attorney's fees; and
  - d) or such other and further relief as may be just and proper.

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### SUMMONS (CITACION JUDICIAL)

BY FAX

FOR COURT USE ONLY ISOLO PARA USO DE LA CORTE)

# ENDORSED-FILED

SEP 26 2016

CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA

SUM-100

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

GILA, LLC DBA MUNICIPAL SERVICES BUREAU

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

DONNA BURTON

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not project you. Your written response must be in proper legal form if you want the court to hear your cese. There may be a court form that you can use for your response, You can find these court forms and more information at the California Courts Online Self-Help Center (www.counlinto.ca.gov/selfhelp), your county law library, or the counthouse nearest you. If you cannot pay the filling fee, ask the court clerk for a fee walver form, if you do not file your response on lime, you may lose the case by default, and your wages, money, and property may be taken without further warning from the count.

There are other legal requirements, You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web she (www.lewholpcalltomle.org), the California Courts Optine Self-Help Center. (www.couninfo.ca.gowselfield), or by contacting your local count or county bar association, NOTE: The court has a statutory lien for walvad fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. µAVISO! Lo han demendado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a

Tiene 30 DIAS DE CALENDARIO después de que le entreguen este citadón y papelas jegalas para presenter una respuesta por acorlo en este cone y hacer que se entregue una copia el demandante. Una certa o una llamade lelefórica no lo prolegen. Su respuesta por escrito lione que estar en formato regel correcto si desea que procesen su caso en la corle. Es posible que heya un formulario que ustad puede usar para su respuesta. Puede encontrar estos formularios de la corle y más información en el Centro do Ayude de las Cortes de Celifornia (Avvirtaucorta.ca.gov), en la biblioleca de leyes de su condedo o en la corte que la que de más cerca. Si no puede pagar la cuota de presentación, pida el secretario de la corte que la dó un formulario de exención de pego de cuotas. Si no presente su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sucitio, dincro y tilenes sin más advertencia.

Hay cinos regulatos de pagas. Es exempendable que flama a un abaquado inmedialemente. Si no corece a un abaquado, nuedo itamas a un servicio de

Hoy dros requisitos legales. Es recomendable que llama a un abogado inmediatemente. Si no conoce a un abogado, puede ilamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpta con los requisitas para obtener servicios legales gratuitos de un programa de servicios legales sin finas de fucro. Puede encontrer estos grupos sin finas de fuero en el sitio wab de California Legal Services, (www.tawhelpcalifornia.org), en el Centro de Ayuda de les Cortes de California, (www.sucorte.ca.gov) o poniêndose en contacto con la corta e el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobra cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitrajo en un caso de derecho civit. Tiene qua pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: (El nombre y dirección de la corte es): Superior Court of Mendecino

100 North State Street Ukiah, CA 95482-4416

The name, address, and telephone number of plaintiffs attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es);

Todd M. Friedman, 21550 Oxnard St., Suite 780 Woodland Hills, CA 91367, 877-206-4741 CHRISTOPHER D. RUHL C. Recurrent

DATE: SEP 26 2016 (Fecha)

Clerk, by (Secretario) Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (farm POS-010).) (Pare pruobe de entrega de esta citatión uso el formulario Proof of Service of Summons, (POS-010)).

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	TO THE PERSON SERVED: You are served as an individual defendant.	
2.	as the person sued under the fictilious name of (specific	fy):
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on behalf of (specify): GILA, LLC DBA Municipal Services Bureau under: CCP 416,10 (corporation)

CCP 416,60 (minor) CCP 416.70 (conservatee) CCP 416.20 (defunct corporation) CCP 416,90 (authorized person) CCP 416.40 (association or partnership)

other (specify): by personal delivery on (date):

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Page 1 of 1

Code of Civil Procedure 35 417.20, 465

American LegalNet, Inc.

Form Adepted for Mandatory Use Anticlal Council of California SUB1-100 [Rev. July 1, 2009]

SUMMONS

Case 3:16-cv-06447-WHA Document 1-1 Filed 11/04/16 Page 9 of 10.

		C104-010
ATTORNEY OF PARTY VARIOUT ATTORNEY Plants, 2nd Bai Todd M. Friedman, Esq. SBN 216752 Law Offices of Todd M. Friedman 21550 Oxnard St., Suite 780 Woodland Hills, CA 91367	ENDORSED-FILED	
TELEPHONE NO. 877-206-4741 ATTORNEY FOR (Hammer Plaintiff, DONNA B	FAX NO: 866-633-0228	SFP 26 2016
SUPERIOR COURT OF CALIFORNIA, COUNTY OF M	(endacing	SEP 20 ZUID
STREET ADDRESS: 100 North State Street	CLEPK OF MEMDOCINO COUNTY	
MAILING ADDRESS: 100 North State Street		SUPERIOR COURT OF CALIFORNIA
CITY AND ZIP CODE: Ukiah, CA 95482-44	16	- POSONIKA
BRANCH NAME  CASE NAME:		III - Solomono
DONNA BURTON v. GILA, LLC		
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER!
✓ Unlimited  Limited	William Indiana	
(Amount (Amount	Counter Joinder	11000
demanded demanded is exceeds \$25,000) \$25,000 or less)	Filed with first appearance by defe (Cal. Rules of Court, rule 3,402	ndant
	ow must be completed (see instruction	The second secon
Check one box below for the case type that		
Auto Tort	Contract	Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3,400-3,403)
Uninsured motorist (46)	Rule 3.740 collections (0B)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass (ort (40)
Ashestos (04)	Other contract (37)	Securities Illigation (28)
Product liability (24)	Real Property	Environmental/Toxic tort (30)
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the above listed provisionally complex case
Other PI/PD/WD (23)	condemnation (14) Wrongful eviction (33)	types (41)
Non-PUPDAWD (Other) Tort	C OBSERVED POR	Enforcement of Judgment
Business tort/unfair business practice (07)		Enforcement of Judgment (20)
Civil rights (08)	Unlawful Detainer Commercial (31)	THE THE PROPERTY OF THE PROPER
Defamation (13)	Residential (32)	Miscellaneous Civil Complaint
Fraud (16)	Drugs (38)	RICO (27)
Intellectual property (19)	Judicial Review	Other complaint (not specified above) (42)
Professional negligence (25)  Other non-PI/PD/WD (art (35)	Asset forfelture (05)	Miscellaneous Civil Petition
Employment	Patition re; arbitration award (11)	Pertnership and corporate governance (21)  Other petition (not specified above) (43)
Wrongful termination (38)	Writ of mandate (02)	Outer penson (not specified above) (43)
Other employment (15)	Other judicial review (39)	
		tules of Court. If the case is complex, mark the
factors requiring exceptional judicial manages.  a. Large number of separately represe.  b. Extensive motion practice raising of issues that will be time-consuming c. Substantial amount of documentar	ented parties d. Large number lifficult or novel e. Coordination to resolve in other cour	er of witnesses I with related actions peoding in one or more courts Ities, states, or countries, or in a federal court postjudgment judicial supervision
Remedies sought (check all that apply): a.[	✓ monetary b. ✓ nonmonetary	declarator or injunctive relief c. punitive
Number of causes of action (specify): 5	The state of the s	
This case is is not a class		
If there are any known related cases, file ar	nd serve a notice of related case. (You	may use form CM-015.)
ate: September 26, 2016	165 30	
odd M. Friedman	<b>)</b> /	
(TYPE OR PRINT NAME)		SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
	NOTICE ist paper filed in the action or proceeding delfare and institutions Code). (Cal. Ru	ng (except small claims cases or cases filed les of Court, rule 3.220.) Failure to file may result
other parties to the action or proceeding	eq. of the California Rules of Coun, yo	u must serve a copy of this cover sheet on all
Unless this is a collections case under rule:	3,/40 or a complex case, this cover shi	
n Adopted for Mandatory Use udetal Council of California	CIVIL CASE COVER SHEET	Cat, Rules of Court, rules 2:30, 3:220, 3:400-3:403, 3:740; Cat, Standards of Judicial Administration, std. 3:10 how controls, as god

American LegalNet, Inc. www.FermsWorkflow.com

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In Item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3,220 of the California Rules of Court.

To Parties in Rule 3,740 Collections Cases. A "collections case" under rule 3,740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in owed in a sum stated to be certain that is not more than \$20,000, exclusive of interest and attorney's tees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment wit of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general ilme-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3,740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the completing the appropriate boxes in terms. I also at it a plaintin designates a case as complete, the cover sheet must be served with the complete, on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that

the case is complex.

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to erbitration, check this flem instead of Auto) Other PUPD/WD (Personal Injury) Property Damage/Wrongful Death) Asbestos (04) ci. Asbestos Property Damage

Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or ioxic/environmental) (24)
Medical Malpractice (45) Medical Malpractice Physicians & Surgeons

Other Professional Health Care Malpractice Other PI/PO/V/D (23)
Premises Liability (e.g., slip

and fall)
Intentional Bodily Injury/PD/WD
(e.g., assault, vandalism)
Intentional Infliction of Emotional Distress Negligent Infliction of Emollonal Distress Other PI/PD/VD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil

harassment) (08) Defamation (e.g., slander, libel) (13) Fraud (16)

Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/MD Tort (35)

**Employment** Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract Breach of Contract/Warranty (06) Breach of Rentel/Lease Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach—Saller Plaintiff (not traud or nagligence) Negligent Breach of Contract

Warranty Other Breach of Contract/Warranty Collections (e.g., money awed, open

book accounts) (09) Collection Casa-Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (not provisionally complex) (18)

Auto Subrogation Other Coverage

Other Contract (37) Contractual Fraud Other Contract Dispute

Real Property
Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure

Quiet Tive Other Real Property (not eminent domain, landlord/tenani, or foreclosure)

Unlawful Detainer Commercial (31)

Residential (32)
Drugs (38) (If the case involves illegal drugs, check this ilem; otherwise, report as Commercial or Residential)

Judicial Review Asset Forfeiture (05)
Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ-Administrative Mandamus Writ-Mandamus on Limited Court

Casa Matter Writ-Other Limited Court Case

Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.

Rules of Court Rules 3,400-3,403) Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30)

Insurance Coverage Claims (adsing from provisionally complex case type listed above) (41) Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of

County)
Confession of Judgment (nondomestic relations) Sister State Judgment Administrative Agency Award

(not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes

Other Enforcement of Judgment Case Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only Injunctive Relief Only (non-

heressment) Mechanics Lien

Other Commercial Complaint Case (non-tort/non-complex) Other Civil Complaint (non-tort/non-complex) Miscellaneous Civil Petition

Partnership and Corporate Governance (21) Other Petition (not specified above) (43) Civil Harassment

Workplace Violence Elder/Dependent Adult Abuse

Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition